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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/733,429

12/08/2000

Kevin D. Bair

STL000040US2/1716P

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7590

12/12/2006

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EXAMINER

THAI, HANH B

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,429

Applicant(s)

BAIR, KEVIN D.

Examiner

Hanh B. Thai

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is Non-Final Office Action in response to amendment filed October 3, 2006. Claims 1-48 have been cancelled. Claims 49-81 are pending in this application.

Response to Arguments

2. Applicant's arguments regarding "a second computer system utilizing metadata to process the query and generate a result for the query, in which the metadata utilized to process the query was not stored on the second computer system *prior to* the second computer system receiving the request to process the query." have been fully considered but they are not persuasive.

Draaijer clearly discloses the second computer system utilizing metadata on "data dictionary", 306, Fig.2A to process the query and generate a result for the query, in which the metadata utilized to process the query, stored on "data dictionary" 306, not having been stored on the second computer system to process the query (col.4, lines 29-40; col.6, lines 59-67 and col.8, lines 18-22 and lines 54-67).

Furthermore, there is no support in the specification showing that the metadata utilized to process the query was not stored on the second computer system *prior to* the second computer system receiving the request to process the query. Therefore, the claim rejection under 35 U.S.C. 102(e) as being anticipated by Draaijer is remained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 49-81 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, there is no support in the specification showing that the metadata utilized to process the query was not stored on the second computer system *prior to* the second computer system receiving the request to process the query.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 49-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Draaijer et al. (US 5,987,463).

Regarding claim 49, Draaijer discloses a method for processing a query comprising:

- receiving from a first computer system (client 200, Fig.2A) a request to process a query at a second computer system (abstract; col. 2, lines 33-58; col.4, lines 31-40 and col.8, lines 18-22);
- the second computer system utilizing metadata to process the query and generate a result for the query, the metadata utilized to process the query not having been stored on the second computer system prior to the second computer system

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receiving the request to process the query (col.4, lines 29-40; col.6, lines 59-67); and col.8, lines 18-22 and lines 54-67);

- the second computer system returning the result of the query to the first computer system (Fig.2A; abstract and col.13, lines 9-25).

Regarding claims 50, 61 and 72, Draaijer discloses wherein receiving from a first computer system a request to process a query at a second computer system includes receiving from a first computer system a request to perform an operation on data not having been stored on the second computer system prior to the second computer system receiving the request to process the query (col.4, lines 29-40; col.6, lines 59-67); and col.8, lines 18-22 and lines 54-67).

Regarding claims 51, 62 and 73, Draaijer discloses wherein the query includes the data and the metadata required to process the query (col.4, lines 29-40; col.6, lines 59-67); and col.8, lines 18-22 and lines 54-67).

Regarding claims 52, 63 and 74, Draaijer discloses wherein the query includes a pointer to the data and the metadata required to process the query (Fig.3A-B and col.11, lines 1-14, Draaijer discloses a link corresponding to “a pointer”).

Regarding claims 53, 64 and 75, Draaijer discloses wherein the data and the metadata required to process the query are stored on a third computer system (300, Fig.3A-B) separate from the second computer system; and the pointer points to the data and the metadata stored on the third computer system (Fig.3A-B and col.11, lines 1-14).

Regarding claims 54, 65 and 76, Draaijer discloses wherein the second computer system is in communication with the first computer system through a network (network connection 310, Fig.3A-B and col.13, lines 1-8).

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Regarding claims 55, 66 and 77, Draaijer discloses wherein the network comprises the internet (col.5, lines 47-67).

Regarding claims 56, 67 and 78, Draaijer discloses wherein the second computer system receives the request to process the query from the first computer system in accordance with a first internet protocol; and the second computer system processes the query in accordance with a second Internet protocol (col.5, lines 47-67 and col.13, lines 1-8).

Regarding claims 57, 68 and 79, Draaijer discloses wherein the first computer system comprises a client machine and the second computer system comprises a server machine (Fig.3A-B).

Regarding claims 58, 69 and 80, Draaijer discloses wherein the metadata comprises information about objects (col.9, lines 30-40).

Regarding claims 59, 70 and 81, Draaijer discloses wherein the objects comprise one or more objects selected from the group consisting of tables, triggers and indexes (col.9, lines 27-44, Draaijer discloses SQL services module that must include objects selected from the group consisting of tables, triggers and indexes).

Regarding claim 60, Draaijer discloses a computer readable medium containing program instructions tangibly stored thereon for processing a query, the program instructions comprising instructions operable to cause a data processor to:

- receive from a first computer system a request to process a query at a second computer system (abstract; col. 2, lines 33-58; col.4, lines 31-40 and col.8, lines 18-22);

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- utilize metadata to process the query and generate a result for the query at the second computer system, the metadata utilized to process the query not having been stored on the second computer system prior to the second computer system receiving the request to process the query (col.4, lines 29-40; col.6, lines 59-67); and col.8, lines 18-22 and lines 54-67); and
- return the result of the query from the second computer system to the first computer system (Fig.2A; abstract and col.13, lines 9-25).

Regarding claim 71, Draaijer discloses a system for processing a query comprising:
a first computer system to,

- receive a request to process a query from a second computer system (abstract; col. 2, lines 33-58; col.4, lines 31-40 and col.8, lines 18-22);
- utilizing metadata to process the query and generate a result for the query, the metadata utilized to process the query not having been stored on the first computer system prior to the first computer system receiving the request to process the query (col.4, lines 29-40; col.6, lines 59-67); and col.8, lines 18-22 and lines 54-67); and
- return the result of the query to the second computer system (Fig.2A; abstract and col.13, lines 9-25).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanh B Thai
Examiner
Art Unit 2163

December 6, 2006



DON WONG
SUPERVISORY PATENT EXAMINER
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